

## Postal Regulatory Commission

Washington, D.C. 20268-0001

### NOTICE OF FILING UNDER 39 U.S.C. § 404(d)

TO THE UNITED STATES POSTAL SERVICE:

Please take notice that on September 28, 2011, the Commission received a petition for review and application for suspension of the Postal Service's determination to close the West Leyden post office located in West Leyden, New York. The petition for review was filed by the Town of Lewis Board/Village of West Leyden (Petitioner) and is postmarked September 21, 2011.

This notice is advisory only and is being furnished so that the Postal Service may begin assembling the administrative record in advance of any formal appeal proceedings held upon the alleged (closing/consolidation) for transmittal pursuant to 39 CFR § 3001.113(a) (requiring the filing of the record within 15 days of the filing with the Commission of a petition for review). The Postal Service's administrative record is due no later than October 13, 2011.



Shoshana M. Grove  
Secretary

Date: September 29, 2011

Attachment

A 2011-96

Received

SEP 22 2011

Office of PAGR

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2011 SEP 28 P 12: 22

POSTAL REGULATORY  
COMMISSION  
OFFICE OF THE SECRETARY

September 20, 2011

Shoshanna Grove, Secretary of the Commission  
Postal Regulatory Commission  
901 New York Avenue NW, Suite 200  
Washington, D.C. 20268-0001

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001  
Dated September 19, 2011

Docket No. \_\_\_\_\_

Town of Lewis	)	
	)	
Vs.	)	PETITION FOR REVIEW OF
	)	CLOSURE AND APPLICATION
United States Postal Service,	)	FOR SUSPENSION OF
Respondent	)	DETERMINATION

PETITIONERS TOWN BOARD OF THE TOWN OF LEWIS state:

1. Petitioner Town of Lewis is the governing Town Board in the Village of West Leyden, NY (13489).
2. This petition requests that the Commission set aside the determination of the United States Postal Service to close the West Leyden Post office (13489) and that any such determination shall be suspended pending a decision of the claims set forth herein.
3. That the action by the Respondent was premeditated, arbitrarily and capriciously enacted through ignoring Title 39 Part 1 Chapter 1 Section 101 postal policy that states in sub paragraph (b) The Postal Service shall provide a maximum degree of effective and regular postal service to rural areas, communities and small towns where post offices are not self-sustaining. No small post office

shall be closed solely for operation at a deficit, it being. It is the specific intent of Congress that effective postal services be insured to residents of both urban and rural communities. The proposal by the Respondent to provide rural carrier service will cause substantial harm to users and to the community of West Leyden, without financial benefit to the Postal Service and with significant probability of financial loss to the Respondent.

4. The most efficient mail delivery is to post office boxes. A Post office offers the most security, enables more deliveries per minute than any other form of delivery and does not increase the use of fossil fuel that the option of carrier service does. The respondent failed to consider in its review the addition of many carrier boxes along a State highway that is geographically located within the Great Lakes heavy snow band area. The snow in West Leyden can reach up higher than the average homeowners snow blowers can throw it. Rural carrier boxes will be, at times, impossible to be kept clean of snow to enable carriers to deliver the mail. West Leyden currently has 160 Post Office boxes, 140 rural route stops, which includes 23 businesses and 22 Civic/Non-Profit Organizations.

5. The Post Office is necessary in West Leyden for several reasons:

It is centrally located on St Rt 26 in the center of Town and is walking distance for many of our patrons (saving energy for the environment). The nearest Post Offices are Boonville (14 miles round-trip) or Ava (6 miles round-trip). This mileage is calculated from the center of town, and does not include a patron's mileage from their residence to West Leyden (must add-on the 14 or 6 miles per trip). Imagine the hardship to patrons in the middle of winter (average snowfall in this area is 200"+) traveling the extra distance, as well as year-round adding in the extra expense for gasoline.

Our Post Office is open at 7:30 a.m., which is ½ hour earlier than any others in this area, thus giving working people an extra chance to use the facility.

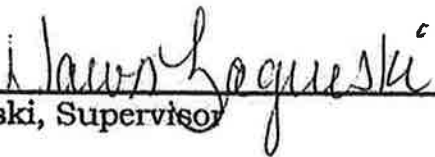
In the event of closing, it has been proposed West Leyden mail will be delivered from the Boonville NY, using an Oneida County address (Boonville or Ava). Sales tax dollars would not be going to Lewis County, the county in which we are located, but rather to


Oneida County (which is 1%+ higher than Lewis County). The West Leyden Post Office showed a profit of \$1,373.00 for this fiscal year as of June 30, 2011.


6. The respondent's action of closing was prejudicial by failure to appoint a postmaster to the office in a timely fashion as listed the vacancy as a reason for closure in the final determination to close order. Surrounding Post Offices are operating without a postmaster, but were not cited for review of closure. The respondent has not acted in good faith, but rather, has proceeded in bad faith in dealing with West Leyden in particular.
7. Suspension of the Respondent's determination is necessary because petitioners and the residents of West Leyden will suffer irreparable loss and hardships if there is any disruption of service at the West Leyden New York (13489) Post Office.

WHEREFORE, Petitioners request the following relief:

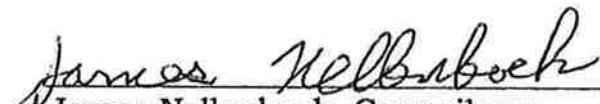
- A. An order of the Commission setting aside the decision to close and consolidate the West Leyden, New York Post Office (13489).
- B. An order of the Commission suspending the decision to close the West Leyden (13489) Post Office.
- C. An order of the Commission directing the Respondent to observe all procedures required by law as outlined in this petition and in the event of further consideration of closure, the disclosure of all documents, reports and/or other information upon which the respondent relied in considering closure of the West Leyden New York (13490) Post Office.
- D. To determine the closure action to have been not only prejudicial, arbitrary and capricious based on the aforementioned, but also to be blatantly undemocratic and un-American. Fundamental fairness, as well as the due process clause of the Constitution, dictates that the respondents decision be reversed and remanded for further consideration or dismissed altogether in the interest of justice.

  
Dawn Zagurski, Supervisor

  
Karl Rauscher, Councilman

  
Ian Klingbail, Councilman

  
Frank Platt, Councilman

  
James Nellenback, Councilman